

Notice of Allowability**Application No.**

10/692,324

Examiner

VAN H. NGUYEN

Applicant(s)

MCKEE ET AL.

Art Unit

2196

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed 05/03/2010 and the interview on 09/30/2010.
2. ☒ The allowed claim(s) is/are 1, 3, 5, 36, 40, 41, 43, and 44 (renumbered as claims 1-8).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 11/30/05, 7/7/10, 7/8/10, 9/30/10
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20100930.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This action is responsive to the RCE filed 05/03/2010 and the interview on 09/30/2010.

Claims 1, 3, 5, 36, 40, 41, 43, and 44 are pending in the application. Claims 1, 3, 5, 36, 40, 41, 43, and 44 have been examined and allowed.

Request Continuation for Examination

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed 05/03/2010 has been entered.

3. **EXAMINER'S AMENDMENT:**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Lawrence E. Carter (Registration No. 51,532) on 09/30/2010.

The application has been amended as follows:

In the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A method for controlling the delivery of notifications comprising:

receiving a test notification request;

evaluating the test notification request in accordance with one or more user contexts that have been set by one or more context setters to generate a first test notification indication, the first test notification indication corresponding to an indication regarding how the test notification request would be handled;

providing the first test notification indication;

detecting a change in the one or more user contexts;

evaluating the first test notification in accordance with the detected change of the one or more user contexts to generate a second test notification indication;

providing the second test notification indication;

receiving a notification from a first notification sender; and

in response to receiving the notification, controlling the delivery of the notification in accordance with the second test notification indication,

wherein a user context comprises a condition that is in first or second states, and an associated instruction that is to be followed if the condition is in the first state, and

wherein the condition of at least one of the user contexts relates to whether or not the user is at least partially occupied by sound, and the associated instruction restricts the delivery of notifications in terms of their volume.

2. (Cancelled)

3. (Currently Amended) The method of claim [[2]] 1, wherein the condition of at least one of the user contexts relates to whether or not the user is at least partially visually occupied, and the associated instruction restricts the delivery of notifications in terms of their visual display.

4. (Cancelled)

5. (Original) The method of claim 1, wherein a plurality of user contexts that are associated with a specified user are set by a plurality of context setters.

6 - 35. (Canceled)

36. (Currently Amended) One or more computer-readable media storing computer-executable instructions for performing the following steps:

~~establishing a plurality of user-defined conditional rules for handling incoming notifications, said rules identifying a state of computer system resources and one or more permissible notification actions based on said state of computer system resources;~~

~~providing a plurality of application program interfaces for requesting notifications to a computer user, the plurality of application program interfaces including~~

~~a first notification delivery interface offered as part of a system shell and that results in a notification to said user in response to being called;~~

~~a test notification evaluation interface that does not result in a notification to said user in response to being called, but results in a response identifying whether a notification would be displayed if requested by an application calling said second interface;~~

~~and~~

~~in response to a call made using said first interface, applying one or more of said rules to provide a notification to said user~~

~~receiving a test notification request;~~

~~evaluating the test notification request in accordance with one or more user contexts that have been set by one or more context setters to generate a first test notification indication, the first test notification indication corresponding to an indication regarding how the test notification request would be handled;~~

providing the first test notification indication;
detecting a change in the one or more user contexts;
evaluating the first test notification in accordance with the detected change of the
one or more user contexts to generate a second test notification indication;
providing the second test notification indication;
receiving a notification from a first notification sender; and
in response to receiving the notification, controlling the delivery of the
notification in accordance with the second test notification indication,
wherein a user context comprises a condition that is in first or second states, and
an associated instruction that is to be followed if the condition is in the first state, and
wherein the condition of at least one of the user contexts relates to whether or not
the user is at least partially occupied by sound, and the associated instruction restricts the
delivery of notifications in terms of their volume.

37.-39. (Cancelled)

40. (Currently Amended) The one or more computer-readable media of claim [[39]]
36, further comprising instructions to withhold an audio portion of an incoming
notification when ~~said audio resources are in use~~ the user context indicates that the user is
at least partially occupied by sound.

41. (Currently Amended) The one or more computer-readable media of claim 40, further comprising instructions to permit a video portion of said incoming notification ~~said audio resources are in use~~ when the user context indicates that the user is at least partially occupied by sound.

42. (Canceled)

43. (Previously Presented) The method of claim 1, wherein the second test notification is evaluated prior to receiving a second test notification request.

44. (Previously Presented) The method of claim 1, further comprising receiving, in response to providing the test notification indication, a test notification subscription request.

45 – 47. (Canceled)

4. **REASONS FOR ALLOWANCE:**

Claims 1, 3, 5, 36, 40, 41, 43, and 44 are allowed.

The following is an examiner's statement of reasons for allowance:

In view of the specification (page 7, lines 6-29), the “one or more computer-readable media” as recited in claims 36, 40, and 41 is understood to not include non-statutory embodiments such as signal or carrier wave.

Interpreting the claims in light of the specification, Examiner finds the claimed invention is patentably distinct from the prior art of record.

The prior art does not expressly teach or render obvious the invention as recited in independent Claims 1 and 36.

The features as recited in independent Claims 1 and 36 “*detecting a change in the one or more user contexts; evaluating the first test notification in accordance with the detected change of the one or more user contexts to generate a second test notification indication; providing the second test notification indication; receiving a notification from a first notification sender; and in response to receiving the notification, controlling the delivery of the notification in accordance with the second test notification indication, wherein a user context comprises a condition that is in first or second states, and an associated instruction that is to be followed if the condition is in the first state, and wherein the condition of at least one of the user contexts relates to whether or not the user is at least partially occupied by sound, and the associated instruction restricts the delivery of notifications in terms of their volume*”, when taken in the context of the claims as a whole, were not uncovered in the prior art teachings.

Dependent claims 3, 5, 40, 41, 43, and 44 are allowed as they depend upon allowable independent claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

5. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM-6:00PM. The examiner can also be reached on alternative Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EMERSON PUENTE can be reached at (571) 272-3652.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VAN H NGUYEN/
Primary Examiner, Art Unit 2194